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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2001

Introduced by Assembly Member Ammiano

February 20, 2014

An act to amend Sections 300, 328, ~~329~~, and 331 of, to add Section 16510 to, and to add and repeal Section 18265 of, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Ammiano. Homeless youth: child welfare services.

Existing law provides that a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child has suffered, or is at substantial risk of suffering, serious physical harm or illness as a result of the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law prohibits the court, however, from finding that a child is within the jurisdiction of the juvenile court solely due to the lack of an emergency shelter for the family.

This bill would provide that a child residing in a runaway and homeless youth shelter may be found to be within the jurisdiction of

the juvenile court, ~~despite having access to temporary shelter if that finding is supported by other evidence of abuse or neglect.~~

Existing law requires a social worker who has cause to believe that a child has been abused or neglected to immediately conduct an investigation to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced. As part of that investigation, existing law requires the social worker to interview the child if he or she is 4 years of age or older and is in a foster home, juvenile hall, or other custodial facility.

This bill would additionally require the social worker to interview a child ~~who has requested child welfare services or the commencement of juvenile court proceedings is in a runaway and homeless youth shelter or community care facility as part of that investigation.~~ The bill would also require ~~that if the~~ a social worker ~~who~~ employs team decisionmaking or a similar process to determine whether to commence juvenile court proceedings in a case ~~in which a child, involving a child who is 12 years of age or older, has requested child welfare services, the process include the child, to include the child in the process,~~ as well as individuals the child identifies as important to him or her.

Existing law also requires the social worker, if a person has applied to the social worker to commence proceedings in the juvenile court, to either file a petition in the juvenile court or decide not to proceed further, as specified, within 3 weeks after the application is made. Under existing law, if the social worker fails to file a petition within 3 weeks, the person making the application may apply to the juvenile court to review the social worker's decision.

This bill would ~~require the social worker, if the application has been filed by the child who is alleged to come within the jurisdiction of the juvenile court, to file a petition in the juvenile court or decide not to proceed further within 5 days after the application, and to immediately notify the applicant of the action taken. The bill would also require the juvenile court, if the social worker fails to file a petition within 5 days and the applicant applies to the court for review of this decision, to either affirm the decision of the social worker or order him or her to commence juvenile court proceedings within 5 judicial days.~~

By imposing these additional duties on county social workers, this bill would impose a state-mandated local program.

Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services.

This bill would require the department, in consultation with various entities, to establish a working group to make policy and practice recommendations to the Legislature to ensure that homeless, unaccompanied minors have timely, reliable access to appropriate placements and services through the state's child welfare system. The bill would require the working group to meet no later than April 1, 2015, and to report *its* recommendations to the Legislature on or before January 1, 2016.

Existing law creates the Aid to Families with Dependent Children-Foster Care program, under which a combination of state, county, and federal funds, including funds provided under Title IV-E of the federal Social Security Act, are used to provide reimbursement to families and facilities providing foster care to eligible children. Existing law establishes the ~~Child Welfare Waiver Demonstration Project~~ *Federal Title IV-E waiver capped allocation demonstration project*, which authorizes the State Department of Social Services to conduct a specified foster care demonstration project in up to 20 counties, to allow flexible use of federal and state foster care funds, as specified, based on the terms and conditions of the federal Title IV-E waiver.

Existing law establishes homeless youth emergency service pilot projects in the Counties of Los Angeles, Santa Clara, and San Diego, and the City and County of San Francisco. Existing law declares that the purpose of these projects is to examine the condition of homeless youth in major urban areas of this state, and to develop a profile of homeless youth in terms of background and available services, in order to locate these youth, to provide for their emergency survival needs, and to assist them in reunification with their parents or in finding a suitable home.

This bill would authorize one or more counties that participate in the ~~Child Welfare Waiver Demonstration Project~~ *Federal Title IV-E waiver capped allocation demonstration project* to establish a pilot program, with the approval of the State Department of Social Services, to develop and implement alternative child welfare services to meet the individual needs of homeless youth in order to reduce homelessness among children, and would require each pilot program to conclude no later than July 1, 2019, and would repeal these provisions on January 1, 2020.

The bill would authorize each participating county ~~to use Title IV-E funds and state foster care funds~~ to provide long-term intensive support services to meet the needs of homeless youth, including, among other things, temporary placement in a licensed homeless youth shelter or other age-appropriate placement for 45 days with an extension of 15 days per approval of the county child welfare agency.

This bill would require the county child welfare agency, upon temporary placement of a homeless youth into a homeless youth shelter, to provide case management services, to identify appropriate long-term housing placement opportunities and wraparound services for the youth, including placement in a certified transitional housing plus program, and to make a recommendation as to whether the youth should continue to receive long-term intensive support services through the pilot program or whether a petition should be filed to adjudicate the youth to be a dependent child of the court.

This bill would require the State Department of Social Services to, among other things, conduct an evaluation of the pilot program to determine the effectiveness of the program, and would require the department to submit to the Legislature, no later than January 1, 2019, the results of its evaluation of the program, together with its recommendation as to whether the program should be continued.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to provide a path
- 2 for homeless youth to receive independent living skill and homeless
- 3 services from homeless youth shelters and child welfare service
- 4 agencies under the Title IV-E of the Social Security Act (42 U.S.C.
- 5 Sec. 671 et seq.) Child Welfare Waiver Demonstration Project by
- 6 establishing a pilot program for the purpose of developing and
- 7 implementing alternative child welfare services that are directed

1 toward the individual needs of homeless youth in order to reduce
2 homelessness among children.

3 ~~SEC. 2. Section 300 of the Welfare and Institutions Code is~~
4 ~~amended to read:~~

5 ~~300. Any child who comes within any of the following~~
6 ~~descriptions is within the jurisdiction of the juvenile court which~~
7 ~~may adjudge that person to be a dependent child of the court:~~

8 ~~(a) The child has suffered, or there is a substantial risk that the~~
9 ~~child will suffer, serious physical harm inflicted nonaccidentally~~
10 ~~upon the child by the child's parent or guardian. For the purposes~~
11 ~~of this subdivision, a court may find there is a substantial risk of~~
12 ~~serious future injury based on the manner in which a less serious~~
13 ~~injury was inflicted, a history of repeated inflictions of injuries on~~
14 ~~the child or the child's siblings, or a combination of these and other~~
15 ~~actions by the parent or guardian which indicate the child is at risk~~
16 ~~of serious physical harm. For purposes of this subdivision, "serious~~
17 ~~physical harm" does not include reasonable and age-appropriate~~
18 ~~spanking to the buttocks where there is no evidence of serious~~
19 ~~physical injury.~~

20 ~~(b) The child has suffered, or there is a substantial risk that the~~
21 ~~child will suffer, serious physical harm or illness, as a result of the~~
22 ~~failure or inability of his or her parent or guardian to adequately~~
23 ~~supervise or protect the child, or the willful or negligent failure of~~
24 ~~the child's parent or guardian to adequately supervise or protect~~
25 ~~the child from the conduct of the custodian with whom the child~~
26 ~~has been left, or by the willful or negligent failure of the parent or~~
27 ~~guardian to provide the child with adequate food, clothing, shelter,~~
28 ~~or medical treatment, or by the inability of the parent or guardian~~
29 ~~to provide regular care for the child due to the parent's or~~
30 ~~guardian's mental illness, developmental disability, or substance~~
31 ~~abuse. A child residing in a runaway and homeless youth shelter~~
32 ~~as defined in Section 1052.35 of the Health and Safety Code may~~
33 ~~be found to be a person described in this subdivision, despite~~
34 ~~having access to temporary shelter. However, no child shall be~~
35 ~~found to be a person described by this subdivision solely due to~~
36 ~~the lack of an emergency shelter for the family. Whenever it is~~
37 ~~alleged that a child comes within the jurisdiction of the court on~~
38 ~~the basis of the parent's or guardian's willful failure to provide~~
39 ~~adequate medical treatment or specific decision to provide spiritual~~
40 ~~treatment through prayer, the court shall give deference to the~~

parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

(c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

(e) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death;

1 any single act of sexual abuse which causes significant bleeding;
2 deep bruising, or significant external or internal swelling; or more
3 than one act of physical abuse, each of which causes bleeding,
4 deep bruising, significant external or internal swelling, bone
5 fracture, or unconsciousness; or the willful, prolonged failure to
6 provide adequate food. A child may not be removed from the
7 physical custody of his or her parent or guardian on the basis of a
8 finding of severe physical abuse unless the social worker has made
9 an allegation of severe physical abuse pursuant to Section 332.

10 (f) The child's parent or guardian caused the death of another
11 child through abuse or neglect.

12 (g) The child has been left without any provision for support;
13 physical custody of the child has been voluntarily surrendered
14 pursuant to Section 1255.7 of the Health and Safety Code and the
15 child has not been reclaimed within the 14-day period specified
16 in subdivision (e) of that section; the child's parent has been
17 incarcerated or institutionalized and cannot arrange for the care of
18 the child; or a relative or other adult custodian with whom the child
19 resides or has been left is unwilling or unable to provide care or
20 support for the child, the whereabouts of the parent are unknown,
21 and reasonable efforts to locate the parent have been unsuccessful.

22 (h) The child has been freed for adoption by one or both parents
23 for 12 months by either relinquishment or termination of parental
24 rights or an adoption petition has not been granted.

25 (i) The child has been subjected to an act or acts of cruelty by
26 the parent or guardian or a member of his or her household, or the
27 parent or guardian has failed to adequately protect the child from
28 an act or acts of cruelty when the parent or guardian knew or
29 reasonably should have known that the child was in danger of
30 being subjected to an act or acts of cruelty.

31 (j) The child's sibling has been abused or neglected, as defined
32 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
33 that the child will be abused or neglected, as defined in those
34 subdivisions. The court shall consider the circumstances
35 surrounding the abuse or neglect of the sibling, the age and gender
36 of each child, the nature of the abuse or neglect of the sibling, the
37 mental condition of the parent or guardian, and any other factors
38 the court considers probative in determining whether there is a
39 substantial risk to the child.

1 It is the intent of the Legislature that nothing in this section
2 disrupt the family unnecessarily or intrude inappropriately into
3 family life, prohibit the use of reasonable methods of parental
4 discipline, or prescribe a particular method of parenting. Further,
5 nothing in this section is intended to limit the offering of voluntary
6 services to those families in need of assistance but who do not
7 come within the descriptions of this section. To the extent that
8 savings accrue to the state from child welfare services funding
9 obtained as a result of the enactment of the act that enacted this
10 section, those savings shall be used to promote services which
11 support family maintenance and family reunification plans, such
12 as client transportation, out-of-home respite care, parenting
13 training, and the provision of temporary or emergency in-home
14 caretakers and persons teaching and demonstrating homemaking
15 skills. The Legislature further declares that a physical disability,
16 such as blindness or deafness, is no bar to the raising of happy and
17 well-adjusted children and that a court's determination pursuant
18 to this section shall center upon whether a parent's disability
19 prevents him or her from exercising care and control. The
20 Legislature further declares that a child whose parent has been
21 adjudged a dependent child of the court pursuant to this section
22 shall not be considered to be at risk of abuse or neglect solely
23 because of the age, dependent status, or foster care status of the
24 parent.

25 As used in this section, "guardian" means the legal guardian of
26 the child.

27 *SEC. 2. Section 300 of the Welfare and Institutions Code is*
28 *amended to read:*

29 300. Any child who comes within any of the following
30 descriptions is within the jurisdiction of the juvenile court which
31 may adjudge that person to be a dependent child of the court:

32 (a) The child has suffered, or there is a substantial risk that the
33 child will suffer, serious physical harm inflicted nonaccidentally
34 upon the child by the child's parent or guardian. For the purposes
35 of this subdivision, a court may find there is a substantial risk of
36 serious future injury based on the manner in which a less serious
37 injury was inflicted, a history of repeated inflictions of injuries on
38 the child or the child's siblings, or a combination of these and other
39 actions by the parent or guardian which indicate the child is at risk
40 of serious physical harm. For purposes of this subdivision, "serious

1 physical harm” does not include reasonable and age-appropriate
2 spanking to the buttocks where there is no evidence of serious
3 physical injury.

4 (b) The child has suffered, or there is a substantial risk that the
5 child will suffer, serious physical harm or illness, as a result of the
6 failure or inability of his or her parent or guardian to adequately
7 supervise or protect the child, or the willful or negligent failure of
8 the child’s parent or guardian to adequately supervise or protect
9 the child from the conduct of the custodian with whom the child
10 has been left, or by the willful or negligent failure of the parent or
11 guardian to provide the child with adequate food, clothing, shelter,
12 or medical treatment, or by the inability of the parent or guardian
13 to provide regular care for the child due to the parent’s or
14 guardian’s mental illness, developmental disability, or substance
15 abuse. No child shall be found to be a person described by this
16 subdivision solely due to the lack of an emergency shelter for the
17 family. *A child who resides in a runaway and homeless youth*
18 *shelter, as described in Section 1502.35 of the Health and Safety*
19 *Code, may be found to be a person described by this subdivision*
20 *if that finding is supported by other evidence of abuse or neglect.*
21 Whenever it is alleged that a child comes within the jurisdiction
22 of the court on the basis of the parent’s or guardian’s willful failure
23 to provide adequate medical treatment or specific decision to
24 provide spiritual treatment through prayer, the court shall give
25 deference to the parent’s or guardian’s medical treatment,
26 nontreatment, or spiritual treatment through prayer alone in
27 accordance with the tenets and practices of a recognized church
28 or religious denomination, by an accredited practitioner thereof,
29 and shall not assume jurisdiction unless necessary to protect the
30 child from suffering serious physical harm or illness. In making
31 its determination, the court shall consider (1) the nature of the
32 treatment proposed by the parent or guardian, (2) the risks to the
33 child posed by the course of treatment or nontreatment proposed
34 by the parent or guardian, (3) the risk, if any, of the course of
35 treatment being proposed by the petitioning agency, and (4) the
36 likely success of the courses of treatment or nontreatment proposed
37 by the parent or guardian and agency. The child shall continue to
38 be a dependent child pursuant to this subdivision only so long as
39 is necessary to protect the child from risk of suffering serious
40 physical harm or illness.

1 (c) The child is suffering serious emotional damage, or is at
2 substantial risk of suffering serious emotional damage, evidenced
3 by severe anxiety, depression, withdrawal, or untoward aggressive
4 behavior toward self or others, as a result of the conduct of the
5 parent or guardian or who has no parent or guardian capable of
6 providing appropriate care. No child shall be found to be a person
7 described by this subdivision if the willful failure of the parent or
8 guardian to provide adequate mental health treatment is based on
9 a sincerely held religious belief and if a less intrusive judicial
10 intervention is available.

11 (d) The child has been sexually abused, or there is a substantial
12 risk that the child will be sexually abused, as defined in Section
13 11165.1 of the Penal Code, by his or her parent or guardian or a
14 member of his or her household, or the parent or guardian has
15 failed to adequately protect the child from sexual abuse when the
16 parent or guardian knew or reasonably should have known that
17 the child was in danger of sexual abuse.

18 (e) The child is under the age of five years and has suffered
19 severe physical abuse by a parent, or by any person known by the
20 parent, if the parent knew or reasonably should have known that
21 the person was physically abusing the child. For the purposes of
22 this subdivision, “severe physical abuse” means any of the
23 following: any single act of abuse which causes physical trauma
24 of sufficient severity that, if left untreated, would cause permanent
25 physical disfigurement, permanent physical disability, or death;
26 any single act of sexual abuse which causes significant bleeding,
27 deep bruising, or significant external or internal swelling; or more
28 than one act of physical abuse, each of which causes bleeding,
29 deep bruising, significant external or internal swelling, bone
30 fracture, or unconsciousness; or the willful, prolonged failure to
31 provide adequate food. A child may not be removed from the
32 physical custody of his or her parent or guardian on the basis of a
33 finding of severe physical abuse unless the social worker has made
34 an allegation of severe physical abuse pursuant to Section 332.

35 (f) The child’s parent or guardian caused the death of another
36 child through abuse or neglect.

37 (g) The child has been left without any provision for support;
38 physical custody of the child has been voluntarily surrendered
39 pursuant to Section 1255.7 of the Health and Safety Code and the
40 child has not been reclaimed within the 14-day period specified

1 in subdivision (e) of that section; the child's parent has been
2 incarcerated or institutionalized and cannot arrange for the care of
3 the child; or a relative or other adult custodian with whom the child
4 resides or has been left is unwilling or unable to provide care or
5 support for the child, the whereabouts of the parent are unknown,
6 and reasonable efforts to locate the parent have been unsuccessful.

7 (h) The child has been freed for adoption by one or both parents
8 for 12 months by either relinquishment or termination of parental
9 rights or an adoption petition has not been granted.

10 (i) The child has been subjected to an act or acts of cruelty by
11 the parent or guardian or a member of his or her household, or the
12 parent or guardian has failed to adequately protect the child from
13 an act or acts of cruelty when the parent or guardian knew or
14 reasonably should have known that the child was in danger of
15 being subjected to an act or acts of cruelty.

16 (j) The child's sibling has been abused or neglected, as defined
17 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
18 that the child will be abused or neglected, as defined in those
19 subdivisions. The court shall consider the circumstances
20 surrounding the abuse or neglect of the sibling, the age and gender
21 of each child, the nature of the abuse or neglect of the sibling, the
22 mental condition of the parent or guardian, and any other factors
23 the court considers probative in determining whether there is a
24 substantial risk to the child.

25 It is the intent of the Legislature that nothing in this section
26 disrupt the family unnecessarily or intrude inappropriately into
27 family life, prohibit the use of reasonable methods of parental
28 discipline, or prescribe a particular method of parenting. Further,
29 nothing in this section is intended to limit the offering of voluntary
30 services to those families in need of assistance but who do not
31 come within the descriptions of this section. To the extent that
32 savings accrue to the state from child welfare services funding
33 obtained as a result of the enactment of the act that enacted this
34 section, those savings shall be used to promote services which
35 support family maintenance and family reunification plans, such
36 as client transportation, out-of-home respite care, parenting
37 training, and the provision of temporary or emergency in-home
38 caretakers and persons teaching and demonstrating homemaking
39 skills. The Legislature further declares that a physical disability,
40 such as blindness or deafness, is no bar to the raising of happy and

1 well-adjusted children and that a court's determination pursuant
2 to this section shall center upon whether a parent's disability
3 prevents him or her from exercising care and control. The
4 Legislature further declares that a child whose parent has been
5 adjudged a dependent child of the court pursuant to this section
6 shall not be considered to be at risk of abuse or neglect solely
7 because of the age, dependent status, or foster care status of the
8 parent.

9 As used in this section, "guardian" means the legal guardian of
10 the child.

11 SEC. 3. Section 328 of the Welfare and Institutions Code is
12 amended to read:

13 328. (a) Whenever the social worker has cause to believe that
14 there was or is within the county, or residing therein, a person
15 described in Section 300, the social worker shall immediately make
16 any investigation he or she deems necessary to determine whether
17 child welfare services should be offered to the family and whether
18 proceedings in the juvenile court should be commenced. If the
19 social worker determines that it is appropriate to offer child welfare
20 services to the family, the social worker shall make a referral to
21 these services pursuant to Chapter 5 (commencing with Section
22 16500) of Part 4 of Division 9. No inference regarding the
23 credibility of the allegations or the need for child welfare services
24 shall be drawn from the mere existence of a child custody or
25 visitation dispute.

26 (b) However, this section does not require an investigation by
27 the social worker with respect to a child delivered or referred to
28 any agency pursuant to Section 307.5.

29 ~~(c) To ascertain the child's view of the home environment, the~~
30 ~~social worker shall interview any child who meets either of the~~
31 ~~following criteria:~~

32 ~~(1) He or she is four years of age or older and is a subject of an~~
33 ~~investigation, and is in juvenile hall or other custodial facility, or~~
34 ~~has been removed to a foster home.~~

35 ~~(2) He or she has requested child welfare services or the~~
36 ~~commencement of juvenile court proceedings on the basis that he~~
37 ~~or she is a person described in Section 300.~~

38 ~~(d) If proceedings are commenced, the social worker shall~~
39 ~~include the substance of the interview in any written report~~
40 ~~submitted at an adjudicatory hearing, or if no report is then received~~

1 ~~in evidence, the social worker shall include the substance of the~~
2 ~~interview in the social study required by Section 358. A referral~~
3 ~~based on allegations of child abuse from the family court pursuant~~
4 ~~to Section 3027 of the Family Code shall be investigated to the~~
5 ~~same extent as any other child abuse allegation.~~

6 *(c) The social worker shall interview any child four years of*
7 *age or older who is the subject of an investigation, and who is in*
8 *juvenile hall or another custodial facility, a foster home, a runaway*
9 *and homeless youth shelter as described in Section 1502.35 of the*
10 *Health and Safety Code, or any other community care facility*
11 *described in Section 1502 of the Health and Safety Code, to*
12 *ascertain the child's view of the home environment. If proceedings*
13 *are commenced, the social worker shall include the substance of*
14 *the interview in any written report submitted at an adjudicatory*
15 *hearing or, if no report is then received in evidence, the social*
16 *worker shall include the substance of the interview in the social*
17 *study required by Section 358. A referral based on allegations of*
18 *child abuse from the family court pursuant to Section 3027 of the*
19 *Family Code shall be investigated to the same extent as any other*
20 *child abuse allegation.*

21 ~~(e)~~

22 *(d) If the social worker employs team decisionmaking or a*
23 *similar process to determine whether to commence juvenile court*
24 *proceedings in a case where a child, involving a child who is 12*
25 *years of age or older, has requested child welfare services, the*
26 *process shall include the child, as well as individuals the child*
27 *identifies as important to him or her.*

28 ~~SEC. 4. Section 329 of the Welfare and Institutions Code is~~
29 ~~amended to read:~~

30 ~~329. (a) Whenever any person applies to the social worker to~~
31 ~~commence proceedings in the juvenile court, the application shall~~
32 ~~be in the form of an affidavit alleging that there was or is within~~
33 ~~the county, or residing therein, a child within the provisions of~~
34 ~~Section 300, and setting forth facts in support thereof. The social~~
35 ~~worker shall immediately investigate as he or she deems necessary~~
36 ~~to determine whether proceedings in the juvenile court should be~~
37 ~~commenced.~~

38 ~~(b) If the application has been filed by the child who is alleged~~
39 ~~to come within the provisions of Section 300, the social worker~~
40 ~~shall take action under Section 301, file a petition in the juvenile~~

1 court, or endorse upon the affidavit of the applicant his or her
2 decision not to proceed further, including his or her reasons
3 therefor, within five days after the application, excluding
4 nonjudicial days, and shall immediately notify the applicant of the
5 action taken or the decision rendered by him or her under this
6 section.

7 (e) In any other case, if the social worker does not take action
8 under Section 301 and does not file a petition in the juvenile court
9 within three weeks after the application, he or she shall endorse
10 upon the affidavit of the applicant his or her decision not to proceed
11 further, including any recommendation made to the applicant, if
12 one is made, to consider commencing a probate guardianship for
13 the child, and his or her reasons therefor and shall immediately
14 notify the applicant of the action taken or the decision rendered
15 by him or her under this section.

16 (d) The social worker shall retain the affidavit and his or her
17 endorsement thereon for a period of 30 days after notifying the
18 applicant.

19 SEC. 5.

20 SEC. 4. Section 331 of the Welfare and Institutions Code is
21 amended to read:

22 331. (a) When any person has applied to the social worker,
23 pursuant to Section 329, to commence juvenile court proceedings
24 and the social worker fails to file a petition within the timeframe
25 set forth in Section 329, the person may, within one month after
26 making the application, apply to the juvenile court to review the
27 decision of the social worker, and the court ~~may~~ *shall* either affirm
28 the decision of the social worker or order him or her to commence
29 juvenile court proceedings *within five judicial days*.

30 (b) ~~When the application has been made by a child who is~~
31 ~~alleged to come within the provisions of Section 300, the court~~
32 ~~shall either affirm the decision of the social worker or order him~~
33 ~~or her to commence juvenile court proceedings within five judicial~~
34 ~~days after the application has been filed.~~

35 SEC. 6.

36 SEC. 5. Section 16510 is added to the Welfare and Institutions
37 Code, to read:

38 16510. (a) It is the intent of the Legislature to ensure that
39 unaccompanied homeless youth are protected from harm and

1 provided with effective, age-appropriate services that support
2 healthy youth development.

3 (b) (1) The State Department of Social Services shall establish,
4 in consultation with the County Welfare Directors Association,
5 the Chief Probation Officers of California, the Judicial Council,
6 homeless youth, child advocacy organizations, homeless youth
7 advocacy organizations, dependency counsel for children, juvenile
8 justice advocacy organizations, foster caregiver organizations,
9 labor organizations, and individuals expert in the area of positive
10 youth development, a working group to develop policy and practice
11 recommendations regarding necessary changes to both policy and
12 practice, to ensure that homeless, unaccompanied minors have
13 timely, reliable access to appropriate placements and services
14 through California's child welfare system.

15 (2) In developing the recommendations, the working group shall
16 consider all of the following questions:

17 (A) How do homeless, unaccompanied minors experience the
18 child welfare system?

19 (B) What local practices have been effective in assisting
20 homeless, unaccompanied minors within the child welfare system?

21 (C) What barriers prevent homeless, unaccompanied minors
22 from accessing the child welfare system?

23 (D) What do homeless, unaccompanied youth want and need
24 from the child welfare system?

25 (E) How can placements for homeless, unaccompanied youth
26 incorporate positive youth development?

27 (F) *How can the child welfare system make it easier for*
28 *unaccompanied minors to self-initiate child welfare services or*
29 *the commencement of juvenile court proceedings on the basis that*
30 *he or she is a person described in Section 300?*

31 (G) *How do child welfare investigation timelines and juvenile*
32 *court timelines affect unaccompanied minors who self-initiate*
33 *child welfare services or the commencement of juvenile court*
34 *proceedings on the basis that the minor is a person described in*
35 *Section 300?*

36 (c) The working group shall meet no later than April 1, 2015.
37 The recommendations developed pursuant to this section shall be
38 submitted in a report to the appropriate policy and fiscal
39 committees of the Legislature on or before January 1, 2016.

1 ~~SEC. 7.~~

2 ~~SEC. 6.~~ Section 18265 is added to the Welfare and Institutions
3 Code, immediately following Section 18260, to read:

4 18265. (a) (1) For the purpose of developing targeted and
5 specialized services for youth who are homeless, on or after July
6 1, 2015, one or more counties that participate in the federal Title
7 ~~IV-E Child Welfare Waiver Demonstration Project~~ *waiver capped*
8 *allocation demonstration project* pursuant to Section 18260 may
9 establish a pilot program, with the approval of the department, to
10 develop and implement alternative child welfare services to meet
11 the individual needs of homeless youth in order to reduce
12 homelessness among children.

13 (2) Each pilot program established under subdivision (a) shall
14 conclude no later than July 1, 2019.

15 (b) Each pilot program established under this section may
16 include, but is not limited to, methods for the identification of
17 homeless youth for purposes of temporary placement into a
18 licensed homeless youth shelter pursuant to Section 1502.35 of
19 the Health and Safety Code, or other appropriate placement as
20 directed by the county's child welfare services agency.

21 (1) It is the intent of the Legislature that local law enforcement
22 agencies work with county and local child protective services
23 agencies to identify the appropriate placement, including placement
24 in a homeless youth shelter, for youth who come to the attention
25 of law enforcement because they are homeless.

26 (2) Upon the placement or voluntary entry of a homeless youth
27 into a homeless youth shelter, the shelter shall notify child welfare
28 services if it is determined by, and upon the recommendation of,
29 the shelter that the youth may be eligible to receive long-term
30 intensive support services under the pilot program.

31 (c) A youth identified as homeless is eligible for participation
32 in the pilot program if he or she meets all of the following criteria:

33 (1) The youth is 14 years of age or older and has been homeless
34 for at least 21 consecutive days.

35 (2) The county child welfare agency determines, upon
36 consultation with a local homeless youth shelter, if available, that
37 long-term intensive support services are needed for the youth.

38 (3) The county child welfare agency finds that there is a
39 reasonable presumption that the youth is a person described in
40 Section 300, but determines, upon consultation with a local

1 homeless youth shelter, if available, that the youth would be best
2 served by the receipt of long-term intensive support services
3 through the pilot program.

4 (d) To the extent permitted by federal law, and based on the
5 terms and conditions of the federal Title IV-E waiver, each pilot
6 program established pursuant to this section may ~~use Title IV-E~~
7 ~~and state foster care funds to~~ provide long-term intensive support
8 services to meet the needs of homeless youth, which shall include
9 each of the following:

10 (1) Guidance to local law enforcement on when and how to
11 refer homeless youth to a local homeless youth shelter or child
12 protective services agency.

13 (2) (A) The temporary placement of a homeless youth in a
14 homeless youth shelter or other age-appropriate placement for up
15 to 45 days with an extension of 15 days per the approval of a
16 county child welfare agency. Title IV-E funding shall not be used
17 to fund the first 21 days the homeless youth is in a homeless youth
18 shelter.

19 (B) If a youth is temporarily placed in a homeless youth shelter
20 through the pilot program, the county child welfare agency shall
21 provide justification for the placement, including whether there
22 are no other appropriate residential placements available.

23 (3) Notwithstanding subdivision (c) of Section 18250,
24 wraparound services, as defined in subdivision (d) of Section 18251
25 and as described in subdivision (b) of Section 18250.

26 (e) Upon temporary placement into a homeless youth shelter
27 pursuant to paragraph (2) of subdivision (d), the county child
28 welfare agency shall do all of the following:

29 (1) Provide case management services, in coordination with
30 local homeless youth shelters, which shall include permanent and
31 stable housing, independent living skills as necessary, workforce
32 training opportunities, health and mental health services, and
33 educational opportunities, such as enrollment in the youth's school
34 district of residence as determined by the location of the youth's
35 placement.

36 (2) No later than the 30th day of placement, identify appropriate
37 long-term housing placement opportunities and wraparound
38 services for the youth, including, but not limited to, placement in
39 a certified transitional housing plus program, placement with
40 identified parents or relatives, as appropriate, foster family homes,

1 or group homes with expertise in serving homeless or runaway
2 children.

3 (3) Make a recommendation as to whether the youth should
4 continue to receive long-term intensive support services under the
5 pilot program or whether a petition should be filed to adjudicate
6 the youth to be a dependent child of the court pursuant to Section
7 360. If a determination is made that a petition should be filed, it
8 shall be filed immediately and consistent with the requirements of
9 subdivision (h).

10 (f) The department, in consultation with the ~~California County~~
11 Welfare Directors Association *of California* and child welfare and
12 homeless youth advocates, shall develop, no later than March 31,
13 2015, the following standards and criteria for the pilot program:

14 (1) To the extent permitted by federal law, and based on the
15 terms and conditions of the federal Title IV-E waiver, each of the
16 following:

17 (A) The parameters on how the Title IV-E funding may be used.

18 (B) How long the Title IV-E funding may be provided, as
19 determined by outcome goals for the youth.

20 (2) The requirements on casework for the youth.

21 (3) Processes on how placements or related services may be
22 identified for the youth, including whether family reunification
23 should be pursued or whether the youth should be placed into the
24 home of a relative or nonrelated extended family member, foster
25 family home, or group home with experience in serving homeless
26 or runaway children.

27 (4) The criteria by which a homeless youth is assessed pursuant
28 to subdivision (c).

29 (g) Notwithstanding the Administrative Procedure Act (Chapter
30 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
31 Title 2 of the Government Code), the department may implement
32 this section through an all-county letter or similar instructions from
33 the director.

34 (h) (1) Nothing in this section shall be construed to limit the
35 ability of a child protective services agency case worker or the
36 county child welfare agency to file a petition with the juvenile
37 court to declare a youth to be a dependent child of the court
38 pursuant to Section 325 if the youth is a person described in Section
39 300.

(2) If it is determined that a petition should be filed to declare the youth to be a dependent child of the court, the county child welfare agency shall consult with a local homeless youth shelter or other entity with expertise in providing services to homeless youth in developing the petition. The county child welfare agency shall comply with federal and state privacy protections in the consultation and development of the petition. The petition shall include, but not be limited to, all of the following considerations:

(A) The reasons why the youth is homeless.

(B) Whether the youth received long-term intensive support services through the pilot program.

(C) When applicable, a description of the long-term intensive support services received through the pilot program.

(D) Recommendations as to whether those long-term intensive support services should be continued or modified.

(E) Whether additional placement considerations should be made that will meet the needs of the youth.

(i) The department shall conduct an evaluation of the pilot program established pursuant to this section to determine the effectiveness of the program in developing and implementing alternative child welfare services for homeless youth. The department, no later than January 1, 2019, shall submit to the Legislature the results of its evaluation of the pilot program, together with its recommendation as to whether the program should be continued or, to the extent permitted by federal law, made permanent. A report submitted to the Legislature pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

~~SEC. 8.~~

SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.